

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Thursday, July 14, 2022**

**Hearing Room 1539**

10:00 AM  
**2:00-00000**

**Chapter**

**#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.**

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at [Chambers SBluebond@cacb.uscourts.gov](mailto:SBluebond@cacb.uscourts.gov) of your appearance.** The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

**Hearing conducted by ZOOMGov.**

**Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>**

**ZoomGov meeting number: 161 6109 0855**

**Password: 148508**

**Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666**

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**CONT...**

**Chapter**

(when prompted, enter meeting number and password shown above)

Judge Bluebond seeks to maintain a courtroom environment (both online and in person) in which all persons are treated with dignity and respect, irrespective of their gender identity, expression or preference. To that end, individuals appearing before the Court are invited to identify their preferred pronouns (e.g., he, she, they, etc.) and their preferred honorific (e.g., Mr., Miss, Ms., Mrs., Mx, M, etc.). Individuals may do so by advising the Courtroom Deputy or Judge prior to any appearance and/or, in the case of remote hearings, by providing this information in the person's screen name in ZoomGov.

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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**2:22-13785 Marine Wholesale & Warehouse Co.**

**Chapter 11**

**#1.00** Emergency motion of Debtor and Debtor-in-Possession for Order Authorizing Debtor-in-Possession to Pay Prepetition Payroll and Related Payroll Taxes and to Honor Prepetition Employment Procedures

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

What is the relationship of declarant Jennifer Hartry to rest of Hartry family? She testifies that she is Secretary and Vice President of the debtor, yet her name does not appear on list of people who will receive payment. Is she not an employee of the company?

Jerry Anderson is a shareholder, holding 15 percent of the company. He is identified as the only insider on the list of employees. What, if any, is his relationship to Bennett Anderson? Should Bennett be considered an insider too?

Authorize debtor to pay prepetition wages and honor prepetition benefits up to an aggregate of priority amount per employee, *excluding insiders*. With regard to insiders, order can provide that, if and when and to the extent that insider compensation has been approved, the debtor is authorized to pay prepetition wages to insiders in accordance with any formula approved through the insider compensation process.

<b>Party Information</b>
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**Debtor(s):**

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbush

Vanessa M Haberbush

**Movant(s):**

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Central District of California  
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**CONT... Marine Wholesale & Warehouse Co.**

**Chapter 11**

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbusch

Vanessa M Haberbusch

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**2:22-13785 Marine Wholesale & Warehouse Co.**

**Chapter 11**

**#2.00** Emergency motion Of Debtor and Debtor-in-Possession for Order Authorizing Interim Use of Cash Collateral

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor reports that it will file a preference action against the TTB if TTB will not return levied funds. Debtor also reports that it filed this bankruptcy case for breathing room to allow it to operate while it seeks a judicial determination liquidating and determining the claim of the TTB. What does that process look like? Where can the debtor go to obtain a judicial determination? The federal court in DC dismissed debtor's action for lack of jurisdiction under Tax Anti-Injunction Act. Does the debtor anticipate filing an action under bankruptcy code section 505?

With regard to the merits of the motion, grant motion on an interim basis, authorizing use of cash collateral in accordance with budget, plus a 10 percent variance, pending the conclusion of the final hearing. As and for adequate protection, debtor should make proposed payments to SBA and grant both SBA and TTB replacement liens on its post-petition assets, other than avoiding power recoveries, with the same validity and priority as their prepetition liens to secure any diminution in the value of secured creditors' prepetition collateral. Set date for final hearing.

<b>Party Information</b>
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**Debtor(s):**

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbush

Vanessa M Haberbush

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**CONT... Marine Wholesale & Warehouse Co.**

**Chapter 11**

**Movant(s):**

Marine Wholesale & Warehouse Co.

Represented By

David R Haberbusch

Vanessa M Haberbusch

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11:00 AM

**2:21-15342 Vitaly Ivanovich Smagin**

**Chapter 15**

**#100.00** Status Conference re: **The RICO Action** pursuant to the Order Granting Relief in Aid of a Foreign Main Proceeding Pursuant to 11 USC Section 1521 Entered on August 13, 2021

fr. 9-15-21, 2-16-22; 3-16-22; 5-11-22

Docket 84

**Courtroom Deputy:**

**ZoomGov Appearance by:**

7/8/22 - David S. Forsh

7/8/22 - Carolyn H.G. Callari

**Tentative Ruling:**

Tentative Ruling for February 16, 2022:

Parties agree that appearances may be waived at this month's status conferences. Continue status conference to next regularly scheduled date -- March 16, 2022 at 11:00 a.m. Status report should be filed not later than March 3, 2022. (NOTE: Court will need to set additional monthly status conference dates at next status conference.) APPEARANCES WAIVED ON FEBRUARY 16, 2022.

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Tentative Ruling for March 16, 2022:

Has the motion to intervene been filed? Set additional dates for monthly reports and status conferences.

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3/14/22 -- Parties report that they have agreed there is no need for a status conference this month. Court will issue chambers order setting future status conferences for the following dates:

April 20, May 11, June 15, July 14, August 17 and September 14.

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**CONT... Vitaly Ivanovich Smagin**

**Chapter 15**

OFF CALENDAR FOR MARCH 16, 2022.

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Tentative Ruling for May 11, 2022:

Did oral argument before the court of appeals proceed on April 6, 2022?  
Does it make sense to consider having these status conferences every 60  
days instead of every 30? Hearing required.

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Tentative Ruling for July 14, 2022:

Parties report that they have agreed there is no need for a status conference  
this month. Next regularly scheduled status conference will be September  
14, 2022 at 11:00 a.m. OFF CALENDAR FOR JULY 14, 2022.

<b>Party Information</b>
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**Debtor(s):**

Vitaly Ivanovich Smagin

Represented By  
Hamid R Rafatjoo  
Nicholas O Kennedy  
Thomas Tysowsky



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**2:21-15342 Vitaly Ivanovich Smagin**

**Chapter 15**

**#101.00** Status Conference re: **The Enforcement Action or Fraudulent Conveyance Action** pursuant to the Order Granting Relief in Aid of a Foreign Main Proceeding Pursuant to 11 USC Section 1521 Entered on August 13, 2021

fr 9-15-21, 2-16-22; 3-16-22; 5-11-22

Docket 84

**Courtroom Deputy:**

**ZoomGov Appearance by:**

7/8/22 - David S. Forsh

7/8/22 - Carolyn H.G. Callari

**Tentative Ruling:**

Tentative Ruling for February 16, 2022:

Parties agree that appearances may be waived at this month's status conferences. Continue status conference to next regularly scheduled date -- March 16, 2022 at 11:00 a.m. Status report should be filed not later than March 3, 2022. (NOTE: Court will need to set additional monthly status conference dates at next status conference.) APPEARANCES WAIVED ON FEBRUARY 16, 2022.

-----  
Tentative Ruling for March 16, 2022:

Have there been any developments since the most recent status report was filed? Do we have any additional information as to whether the current sanctions on all things Russian will have any impact on these proceedings? (Court needs to set additional dates for monthly reports and status conferences.)

-----  
3/14/22 -- Parties report that they have agreed there is no need for a status conference this month. Court will issue chambers order setting future status

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**CONT... Vitaly Ivanovich Smagin**

**Chapter 15**

conferences for the following dates:

April 20, May 11, June 15, July 14, August 17 and September 14.

OFF CALENDAR FOR MARCH 16, 2022.

-----  
Tentative Ruling for May 11, 2022:

Was there a hearing on April 13, 2022 in connection with the debtor's appeal of the Moscow Court's January 21, 2022 ruling? Does it make sense to consider having these status conferences every 60 days instead of every 30? Hearing required.

-----  
Tentative Ruling for July 14, 2022:

Parties report that they have agreed there is no need for a status conference this month. Next regularly scheduled status conference will be September 14, 2022 at 11:00 a.m. OFF CALENDAR FOR JULY 14, 2022.

<b>Party Information</b>
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**Debtor(s):**

Vitaly Ivanovich Smagin

Represented By  
Hamid R Rafatjoo  
Nicholas O Kennedy  
Thomas Tysowsky

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**2:20-20876 Airport Van Rental, Inc., a California corporation**

**Chapter 11**

**#102.00** Confirmation of Prevailing Bidder re [970] Order On Committees Emergency Motion For An Order Extending Certain Bid-Related Deadlines In The May 6, 2022 Order Approving Sale Procedures

Docket 947

**Courtroom Deputy:**

**ZoomGov Appearance by:**

7/12/22 - Donny Le

7/12/22 - Anthony Bisconti

7/13/22 - John Tedford

**Tentative Ruling:**

Now that the debtor has cancelled the auction, is there any reason for this hearing to be on calendar? There is nothing before the court for the court to rule on at this time. Moreover, parties are scheduled to participate in a mediation on July 20.

As Committee seems to believe that a transaction with White Peak would offer a better outcome for unsecured creditors, should the committee consider filing a competing plan?

<b>Party Information</b>
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**Debtor(s):**

Airport Van Rental, Inc., a California

Represented By

Zev Shechtman

John N Tedford IV

Michael G D'Alba

Alphamorlai Lamine Kebeh

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**CONT... Airport Van Rental, Inc., a California corporation**

**Chapter 11**

**Movant(s):**

Committee of Creditors Holding

Represented By  
Roye Zur  
Michael I. Gottfried